

EXHIBIT A
MESITI DECLARATION
Curriculum Vitae of Nicholas Mesi, Esq.

NICHOLAS MESITI
Heslin Rothenberg Farley & Mesiti P.C.
5 Columbia Circle
Albany, New York 12203
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PROFESSIONAL

EXPERIENCE: **Member and Shareholder:** *Heslin Rothenberg Farley & Mesiti P.C.*, Albany, New York. Practice of Intellectual Property law including patent, trademark, copyright and unfair competition law with emphasis on utility patent, design patent, trademark, and copyright litigation before federal district courts, state courts, and Federal Courts of Appeals. Specific projects have included representation of clients in appeals; trial of cases before federal and state courts for purposes of permanent injunctions, preliminary injunctions, accountings and damages; preparation and argument of various pretrial dispositive and non-dispositive motions; all aspects of discovery; and pleading preparation; counseling of clients in various intellectual property matters; licensing; representation in inter-parties proceedings before the United States Patent and Trademark Office; rendering of registrability, patentability and infringement opinions for patents and trademarks; U.S. patent, trademark and copyright application preparation and prosecution; international patent prosecution pursuant to the Patent Cooperation Treaty; international patent and trademark docket and prosecution management; supervision and training of associates. 1990-Present.

Associate Attorney: *Brumbaugh, Graves, Donohue & Raymond*, New York, New York. Specialized in all aspects of Intellectual Property Law including patent, trademark, copyright and unfair competition litigation including appeals; preparation and negotiation of license agreements and other transfers of intellectual property rights; counseling of client; rendering of patentability and infringement opinions; rendering of trademark registrability opinions and copyrightability opinions; preparation and prosecution of patent applications including docket management of patent file wrappers. 1988-1990.

EDUCATION:

ALBANY LAW SCHOOL OF UNION UNIVERSITY, Albany, New York.
Juris Doctor, 1988.
Top 21 Percent of Class.

RENSSELAER POLYTECHNIC INSTITUTE, Troy, New York.
Bachelor of Science, Mechanical Engineering, 1985.
Top 15 Percent of Class.

COURTS ADMITTED:

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT, 2005

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT, 1993

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT, 1990.

UNITED STATES DISTRICT COURTS: WESTERN DISTRICT OF MICHIGAN, 2000;
NORTHERN DISTRICT OF NEW YORK, 1989; SOUTHERN DISTRICT OF NEW
YORK, 1989; EASTERN DISTRICT OF NEW YORK, 1989.

NEW YORK STATE, 1989.

UNITED STATES PATENT AND TRADEMARK OFFICE;
Registered Agent, 1988; *Attorney*, 1989.

REPORTED CASES:

1. Advanced Fiber Technologies (AFT) Trust v. J&L Fiber Services, Inc.,
674 F.3d 1365 (Fed. Cir. 2012)
2. Deere & Co. v. International Trade Commission, 605 F.3d 1350 (Fed. Cir. 2010)
3. Levine v. Landy, ___ F.Supp. ___, 2012 Copr. L. Dec. 181 2011 WL 6845886, N.D.N.Y.
Dec. 30, 2011 (11-CV-1038)
4. CommScope, Inc. of North Carolina v. Commscope (U.S.A.) Intern. Group Co., Ltd.,
809 F. Supp. 2d 33, (N.D.N.Y. 2011).
5. ATI Indus. Automation, Inc. v. Applied Robotics, Inc.,
801 F.Supp. 2d 419 (M.D.N.C. 2011)
6. Universal Furniture Intern., Inc. v. Collezione Europa USA, Inc.,
618 F.3d 417 (4th Cir. 2010)
7. Advanced Fiber Technologies (AFT) Trust v. J&L Fiber Services, Inc.,
751 F. Supp. 2d 348 (N.D.N.Y. 2010)
8. Universal Furniture Intern., Inc. v. Collezione Europa, U.S.A., Inc.,
599 F.Supp. 2d 648 (M.D.N.C. 2009)
9. Amini Innovation Corp. v. Bank & Estate Liquidators, Inc., 512 F.Supp.2d 1039, 2007

WL 1795855, (S.D. Tex. 2007)

10. Bourdeau Bros., Inc. v. International Trade Comm'n, 444 F.3d 1317, (Fed. Cir. 2006)
11. Bernhardt, L.L.C. v. Collezione Europa USA, Inc., 386 F.3d 1371, 2004 WL 2397341, 72 U.S.P.Q.2d 1901, (Fed. Cir. 2004).
12. Fusco Group, Inc. v. Loss Consultants Intern., Inc., 462 F.Supp.2d 321, 2006 WL 3365681 (N.D.N.Y. 2006)
13. Bernhardt L.L.C. v. Collezione Europa USA, Inc., 436 F.Supp.2d 739 2006 WL 1876517, (M.D.N.C. 2006)
14. Bernhardt L.L.C. v. Collezione Europa USA, Inc., 422 F.Supp.2d 561, 2006 WL 771892, (M.D.N.C. 2006)
15. Harvest Technologies Corp. v. Cytomedix, Inc., 2004 WL 2009253 (D.Mass. 2004) (No. Civ. A. 02-12077-PBS).
16. Landscape Forms, Inc. v. Columbia Cascade Co., 113 F.3d 373 (2nd Cir. 1997)
17. Landscape Forms, Inc. v. Columbia Cascade Co., 1996 U.S. Dist. Lexis 15420 (S.D.N.Y.).
18. L. & J.G. Stickley, Inc. v. Canal Dover Furniture Co., 79 F.3d 258 (2nd Cir. 1996).
19. Landscape Forms, Inc. v. Columbia Cascade Co., 70 F.3d 251 (2nd Cir. 1995).
20. Tough Traveler, Ltd. v. Outbound Products, 60 F.3d 964 (2nd Cir. 1995).
21. Imagineering, Inc. v. Van Klassens, Inc., 53 F.3d 1260 (Fed. Cir. 1995).
22. L. & J.G. Stickley, Inc. v. Canal Dover Furniture Co., 892 F. Supp. 413 (N.D.N.Y. 1995).
23. Imagineering, Inc. v. Van Klassens, Inc., 155 F.R.D. 68 (S.D.N.Y. 1994).
24. Imagineering, Inc. v. Van Klassens, Inc., 851 F. Supp. 532 (S.D.N.Y. 1994).
25. Imagineering, Inc. v. Van Klassens, Inc., 797 F. Supp. 329 (S.D.N.Y. 1992).
26. Zenith v. Brad Cable Electronics, 1991 U.S. Dist. Lexis 6366, (N.D.N.Y.).

27. State University of New York v. Triple O, LLC, 2020 WL 6196152 (N.D.N.Y. 2020) (No. 1:19-cv-1385 GLS/DJS).
28. State University of New York v. Triple O, LLC, 2021 WL 3287774 (N.D.N.Y. 2021) (No. 1:19-cv-1385 GLS/DJS).
29. Research Foundation for State University of New York v. Telluric Labs, LLC, 2022 WL 16789970 (E.D.N.Y. 2022).
30. CVD Equipment Corp. v. PrecisionFlow Technologies, Inc., 2007 WL 1571666 (N.D.N.Y. 2007).
31. S.F.X. Broadcasting of New York, Inc. v. Radio Enterprises, Inc., 1997 WL 599351 (N.D.N.Y. 1997).
32. Doctor's Associates Inc. v. Neverett, 2010 WL 11541815 (N.D.N.Y. 2010).
33. Rensselaer Polytechnic Institute v. Apple Inc., 2014 WL 12586845 (N.D.N.Y. 2014).
34. L.M. Sessler Excavating and Wrecking, Inc. v. Bette & Cring, LLC, 2017 WL 4652709 (W.D.N.Y. 2017).
35. Tower Products Inc. v. Laird Enterprises Inc., 2020 WL 3453552 (N.D.N.Y. 2020).
36. Levine v. Landy, 860 F.Supp.2d 184 (N.D.N.Y. 2012).
37. Research Foundation for State University of New York v. Telluric Labs, LLC, 2023 WL 6307995 (E.D.N.Y. 2023).
38. Research Foundation for State University of New York v. Telluric Labs, LLC, 2021 WL 9678645 (E.D.N.Y. 2021).
39. Verbal Judo Institute, Inc. v. Vistelar, LLC, 2018 WL 8800685 (N.D.N.Y. 2018).
40. Rensselaer Polytechnic Institute v. Apple Inc., 2014 WL 1871866 (N.D.N.Y. 2014).
41. Plump Engineering, Inc. v. Westshore Design Engineers, P.C., 2018 WL 3730168 (N.D.N.Y. 2018).
42. Rensselaer Polytechnic Institute v. Apple Inc., 2014 WL 201965 (N.D.N.Y. 2014).
43. Worldwide Sport Nutritional Supplements, Inc. v. Five Star Brands, LLC, 80 F.Supp.2d 25 (N.D.N.Y. 1999).
44. Worldwide Sport Nutritional Supplements, Inc. v. Van Horn Technologies, Inc., 1977 WL 698044 (N.D.N.Y. 1997).

45. Fusco Group, Inc. v. Loss Consultants Intern., Inc., 462 F.Supp.2d 321 (N.D.N.Y. 2006).
46. Charles Ramsey Company, Inc. v. Fabtech-NY LLC, 2020 WL 352614.
47. Albany Medical College v. Smiths Medical Asd, Inc., 2014 WL 10137686 (N.D.N.Y. 2014).
48. Albany Medical College v. Smiths Medical ASD, Inc., 2015 WL 58221 (N.D.N.Y. 2015).

PUBLICATIONS:

Co-Author, *A Report of the Recent Trade Dress Cases Within the Second Circuit*, 1995,
American Intellectual Property Law Association, Trademark and Unfair Competition
Committee.

Co-Author, *Federal Circuit Patent Law Decisions* 1988, Section 112 Update, published by
American Intellectual Property Law Association.

Co-Author, *Separate Juries for Liability and Damages in Patent Cases*, New York Law Journal,
November 22, 1988.

PROFESSIONAL AFFILIATIONS:

Internaional Trademark Law Association.
American Intellectual Property Law Association.
American Bar Association.
New York State Bar Association, Intellectual Property Law Section
Albany County Bar Association.
American Society of Mechanical Engineers.

HONORS AND ACHIEVEMENTS:

Pi Tau Sigma
Rensselaer Engineering and Science Award
Rensselaer Scholarship
Dean's List, Presidential Honors

LANGUAGES: Italian.